

Notice of Allowability

Application No.

09/647,821

Examiner

Ling-Siu Choi

Applicant(s)

SOLOMON ET AL.

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Response filed October 20, 2005.
2. ☒ The allowed claim(s) is/are 1-18.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This Office Action is in response to the Response filed October 20, 2005. Claims 1-17 are now pending.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CAR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Mark J. Sullivan on January 5, 2006.

3. The application has been amended as follows:

Claim 4, line 2, change "1/4, and about 1/3 of" to --1/4 of--;

Add the following claim:

--18. (New) The apparatus of claim 3 wherein the baffle is substantially square having a side length of about 1/3 of the length of the sides of the square base.--.

Allowable Subject Matter

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4. Claims 1-18 are allowed.

5. The following is an examiner's statement of reasons for allowance:

The present claims are allowable over the closest references: Ebata et al. (US 5,350,552).

An apparatus for forming electrophoresis gels, the apparatus including	
1	a <u>container</u> having a base and sides so as to define a chamber therein for receiving a plurality of gel cassettes
2	an <u>inlet port</u> positioned in the base of the container and in communication with the chamber
3	a <u>baffle</u> positioned over the inlet port, such that, in use, when fluid passes through the inlet port into the chamber, the baffle <i>substantially reduces fluid turbulence and vertical fluids movement in the vicinity of the inlet port during flow of the fluid into chamber</i>

(summary of claim 1)

A process to form an electrophoresis gel in a plastic cassette, the process comprising	
(a)	pretreating the plastic cassette to substantially remove polymerization initiator
(b)	preparing a monomer solution of acrylamide, which is free of inhibitor(s)
(c)	preparing initiator and co-initiator solutions which are free of inhibitor(s)
(d)	mixing the monomer solution with the initiator and co-initiator solution to form an initiated monomer solution
(e)	applying the initiated monomer solution to the plastic cassette
(f)	allowing the initiated monomer solution to polymerize in the plastic cassette
wherein steps (e) and (f) of the process are carried out in the apparatus of claim 1	

(summary of claim 9)

An apparatus for forming electrophoresis gels, the apparatus including	
1	a <u>container</u> defining a chamber for receiving a fluid
2	The container further including an <u>inlet port</u> in communication with the chamber for introducing the fluid to the chamber
3	a <u>baffle</u> positioned relative to the inlet port so as to <i>reduces fluid turbulence and vertical fluids movement proximate the inlet port</i>

(summary of claim 17)

Ebata et al. disclose a batch method and an apparatus to prepare a polyacrylamide aqueous gel plate for electrophoresis, the method comprising (1) placing a plurality of gel plate supporters in a **gel-forming container** comprising (a) a partition rack comprised of plastic or rubber partition members which separate the gel plate supporters from each other, (b) **an inlet port**, (c) an outlet port, and (d) an airtight lid, (2) closing the airtight lid, (3) eliminating oxygen from the container by evacuating air through the outlet port, (4) charging a gel-forming solution into the container through the inlet port, (5) allowing the gel-forming solution to gelatinize on the gel plate supporter, (6) removing the partition rack from the container, and (7) removing the individual gel plates from the partition rack (claim 1). However, Ebata et al. do not teach or fairly suggest an apparatus comprising the claimed baffle which is positioned over or relative to the inlet port and substantially reduces fluid turbulence and vertical fluids movement in the vicinity of the inlet port during flow of the fluid into chamber.

In light of the above discussion, it is evident as to why the present claims are patentable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

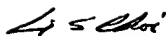
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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ling-Siu Choi whose telephone number is 571-272-1098.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reach on 571-272-1114.



**LING-SUI CHOI
PRIMARY EXAMINER**

January 6, 2006